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AZ CORP COMMISSION  
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

RAYMOND R. PUGEL AND JULIE B.  
PUGEL, husband and wife as trustees of THE  
RAYMOND R. PUGEL and JULIE B. PUGEL  
FAMILY TRUST,  
and  
ROBERT RANDALL and SALLY RANDALL,  
husband and wife  
Complainants,  
v.  
PINE WATER COMPANY, an Arizona  
Corporation  
Respondent.

DOCKET NO. W-03512A-06-0407

W-03512A-07-0619

W-03512A-06-0613

W-03512A-07-0100

REPLY TO PINE WATER COMPANY'S  
RESPONSE TO REQUEST FOR  
PROCEDURAL CONFERENCE

Arizona Corporation Commission

DOCKETED

JUL 13 2009

DOCKETED BY

JAMES HILL and SIOUX HILL, husband and  
wife and as trustees of THE HILL FAMILY  
TRUST,  
Complainants,  
v.  
PINE WATER COMPANY, an Arizona  
Corporation  
Respondent.

DOCKET NO. W-03512A-07-0100

COMES NOW RAYMOND R. PUGEL, JULIE B. PUGEL AS TRUSTEES OF THE  
RAYMOND R. PUEL AND JULIE B. PUGEL FAMILY TRUST AND ROBERT RANDALL AND  
SALLY RANDALL, {the "Complainants"} by and through their attorney undersigned and submit the  
following Reply to the Response filed by Pine Water Company to the request for a Procedural  
Conference in the above captioned matter.

The Pine Water Company indicates two reasons for its opposition to the request:

1. The matter is stale
2. The matter has been rendered moot by virtue of the Condemnation complaint filed by the Pine Strawberry Water Improvement District.

First of all, the allegations of staleness are incorrect. Mr. Pugel did in fact respond to the Motion to Dismiss filed by Pine Water Company and this matter has continued on the calendar. Mr. Pugel did file a Request for a Procedural Conference in March of 2009, to which no response was made by Pine Water Company. Hearing no responses and receiving no orders from the Commission Mr. Pugel once again filed the same request, surely an exercise of diligence on his part.

Second, regards the matter being moot. That would be true if the condemnation was concluded and Pine Water Company no longer owned the water systems. However, Pine Water Company is mounting a vigorous defense to the condemnation and is opposing the acquisition of its property by the Condemnor. So, arguably it could take several years for this matter to be concluded. Then, only if concluded in favor of the Plaintiff which is the Pine Strawberry Water Improvement District, will Pine Water Company no longer be subject to the jurisdiction and control of the Arizona Corporation Commission.

The Pugel matter does have an impact upon the Pine Water Company and the value of its property in the condemnation action. What Pine Water Company is attempting to do here is to have this matter stayed indefinitely because it is to its benefit in the condemnation matter. Meanwhile, the Complainants, because of the moratoria on new water connections, are unable to use their property and provide water service to it. To deprive the Complainants of a Procedural Conference to resume moving this matter forward has the same result as dismissing the Complaint. Nothing further will happen. The Complainants are entitled to bring this matter to a conclusion. It is respectfully requested that the Procedural Conference be held to resume the proceedings in the above captioned matter.

RESPECTFULLY SUBMITTED this 2<sup>nd</sup> day of July, 2009

GLIEGE LAW OFFICES PLLC

  
\_\_\_\_\_  
John G. Gliege  
Attorney for the Complainants

1 Original and 15 copies mailed/delivered  
2 This 2<sup>nd</sup> day of July, 2009 to:

3 Arizona Corporation Commission  
4 Attn: Docket Control  
5 1200 W. Washington  
6 Phoenix, AZ 85007

7 Copies of the foregoing mailed/delivered  
8 This 2<sup>nd</sup> day of July, 2009 to:

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